

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-159-T - ORDER NO. 97-831  
SEPTEMBER 25, 1997

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IN RE: Application of Allstates Moving Services,	)	ORDER
Inc., 386 Spanish Wells Road, A6, Hilton	)	GRANTING
Head, SC 29928 (Mailing Address: 1 Tupelo	)	CERTIFICATE
Road, Hilton Head, SC 29928), for a Class	)	
E Certificate of Public Convenience and	)	
Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Allstates Moving Services, Inc. (Allstates or the Applicant) of Hilton Head Island, South Carolina for a Class E Certificate of Public Convenience and Necessity to haul household goods between points and places in Beaufort and Jasper Counties to points and places in South Carolina. The Applicant presently holds a Certificate of Fit, Willing, and Able to operate within the municipal boundaries of Hilton Head Island.

The Commission's Executive Director ordered the Applicant to publish, one time, in a newspaper of general circulation in the area of interest, a Notice giving details of the proposed service, and a method for public participation in the process. Chavis Moving and Storage, Inc. intervened in this Docket.

Accordingly, a hearing was held on September 17, 1997 at 10:30 AM in the Commission's Hearing Room. The Honorable Guy

Butler, Chairman, presided. The Applicant was represented by Ronald Aaron, Esquire. Allstates presented the testimony of Al Adams, its General Manager. Darrell Chavis, President of the Intervenor Chavis Moving and Storage, Inc. presented testimony, but was not represented by counsel. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented the testimony of L. George Parker, Jr., Manager of the Commission's Transportation Department.

Al Adams testified for Allstates. Adams stated that he had been employed as General Manager for the Applicant since April 1997. Adams stated that Allstates had access to 2 trucks and 2 vans year round, said vehicles being fully insured. Adams noted that his drivers are CDL (Commercial Drivers License) certified, and that the Company had driven 86,000 miles without an accident. Adams testified that there were no outstanding judgments against Allstates. Further, according to Adams, Allstates has the financial backing of a major van line.

Adams also addressed the issue of whether the Public Convenience and Necessity required Allstates' services. Adams noted that Hilton Head has undergone 100% growth over the last ten years, and that there are only a handful of movers available to handle moves during this growth. Further, Adams testified that he had had to turn business away, but that there were not many movers around to refer that business.

Darrell Chavis of Chavis Moving and Storage, the Intervenor, testified. Chavis stated that Allstates willfully refuses to

abide by the law, and is therefore not "fit" to provide its proposed services under the Commission's Regulations. Chavis also noted that, if Allstates is granted the requested authority, that this would duplicate service already available to Beaufort and Jasper Counties. Also, Chavis testified that he had equipment sitting idle.

L. George Parker, Jr. Manager of the Commission's Transportation Department, testified also. Parker testified that a review of the Commission's file on the case revealed some five consumer complaints. Also, Parker noted that Larry O'Donnell, an Allstates employee, had pled no contest in Magistrate's Court to some six charges of hauling household goods without intrastate authority.

Despite some misgivings raised by the testimony of Chavis and Parker, we have weighed the evidence, and believe that, on balance, and based on the testimony of Al Adams, Allstates is fit, willing, and able to perform the services requested for approval. Further, we agree with Adams that the Hilton Head area is undergoing phenomenal growth. We therefore hold that the public convenience and necessity requires the services proposed by Allstates.

We are somewhat concerned about Allstates past apparent penchant for operating without proper authority. We therefore hold that the Commission Staff shall monitor the activities of this Company to assure compliance with our statutes and regulations. If we discover non-compliance, we may bring

Allstates back before us for further proceedings.

IT IS THEREFORE ORDERED THAT:

1. That the Application for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.

2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

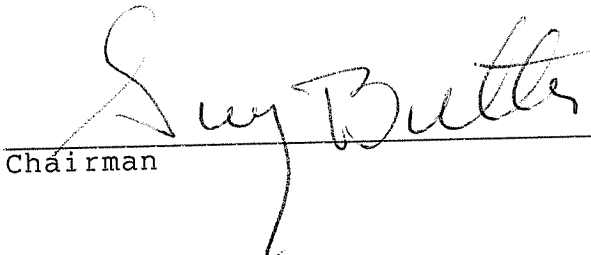
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

DOCKET NO. 97-159-T - ORDER NO. 97-831  
SEPTEMBER 25, 1997  
PAGE 5


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5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)